

Application no. 09/154,966
Amdt. dated June 8, 2004
Reply to Office Action of April 7, 2004

REMARKS / ARGUMENT

A. INTRODUCTION

In the office action mailed April 7, 2004, claims 1 and 18 were rejected under 35 U.S.C. 102(b) in view of U.S. patent no. 5,499,239 to Munter (hereafter "Munter"); claim 2 was rejected under 35 U.S.C. 103(a) in view of Munter and prior art disclosed in the application Background; claim 3 was under 35 U.S.C. 103(a) in view of Munter and U.S. patent no. 4,866,702 to Shimizu (hereafter "Shimizu"); claim 9 was rejected under 35 U.S.C. 103(a) in view of Munter and U.S. patent no. 5,953,340 to Scott (hereafter "Scott"); claim 10 was rejected under 35 U.S.C. 103(a) in view of Munter, Scott, and prior art disclosed in the application Background; claim 11 was rejected under 35 U.S.C. 103(a) in view of Munter, Scott, and Shimizu; claim 12 was rejected under 35 U.S.C. 103(a) in view of U.S. patent no. 5,682,383 to Dahod (hereafter "Dohad"), prior art disclosed in the application Background, and Shimizu; claim 13 was rejected under 35 U.S.C. 103(a) in view of Dohad and Shimizu; claims 1-3 and 9-11 were rejected under 35 U.S.C. 112, second paragraph; and claims 14-17 were withdrawn for being independent or distinct from the original invention.

B. CLAIMS 19, 27 ARE PATENTLY DISTINGUISHABLE

Applicant asserts that claims 19 and 27 of the present application are patentably distinguishable from Munter because, in part, Munter fails to disclose the novel plurality of packet buses adapted to support parallel communications to multiple switching controllers. Claim 19 recites:

"wherein ... each of the plurality of switching controllers is adapted to *concurrently* receive packet data from two or more of the plurality of switching controllers."

In contrast to the present invention, Munter discloses a plurality of modules that are adapted to *serially* receive packet data from other modules via the data buses (72). In particular, the optical selectors (82) choose one of the fiber optics in a bundle from which

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to receive data (col. 7, lines 55-57). An optical selector (82) serves as a multiplexor and therefore *prevents* the modules from concurrently receiving data from two or more other modules.

Similarly, claim 27 recited in relevant part: "each of the plurality of switching controllers receive packet data in parallel from two or more of the plurality of packets buses."

Munter fails to disclose or suggest the novel packet bus recited in the embodiment.

Claims 19 and 27 are therefore patently distinguishable from the prior art.

C. CLAIM 20 IS NON-OBVIOUS

Applicant asserts that claim 20 is non-obvious because, in part, none of the prior art cited by the Examiner discloses "a plurality of claim lines" adapted to interface with one or more of the plurality of the switching controllers. Although Examiner had previously rejected claim 2 based on prior art recited in the Background of the present application, the recited prior art clearly pertains to a *single* "shared claim line 160" (page 1, line 19). In contrast to the present invention, claim signals on a single shared claim line must be transmitted serially. Therefore, the present invention is patently distinguishable from the recited prior art.

Applicant also respectfully asserts that the Examiner has failed to state a prima facie case of obviousness since the stated motivation to combine references to "improve the throughput of the switch" is too vague to suggest to a skilled artisan the reasons for and/or benefits of combining Munter and the recited art.

D. CLAIM 21 IS NON-OBVIOUS

Applicant asserts that claim 21 is non-obvious because, in part, none of the prior art cited discloses "a plurality of stall lines" adapted to interface with the plurality of the switching controllers. In contrast to the present invention, Shimizu discloses a single receive-not-ready (RNR) bus that is shared by bus access units. In particular, Shimizu states that

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"[b]us access units 2 are also accessible to a receive-not-ready (RNR) bus 5." Therefore, the present invention is patently distinguishable from the recited prior art.

Applicant also respectfully asserts that the Examiner has failed to state a *prima facie* case of obviousness since the stated motivation to combine references to "prevent data loss and improve the throughput of the network" is too vague to suggest to a skilled artisan the reasons or benefits of combining Munter with Shimizu.

E. CLAIMS 22-24 ARE NON-OBVIOUS

Applicant asserts that claim 22 is non-obvious because, in part, none of the prior art discloses "a receive interface adapted to receive packet data transmitted from two or more of the plurality of switching controllers *in parallel*." As explained above in Paragraph B above, Munter discloses modules that are adapted to *serially* receive packet data from a single module at any given time. The data from the selected module is isolated by the receiving module's optical selectors (82) (col. 7, lines 55-57). The present invention is, therefore, patently distinguishable from the prior art.

Claim 22 is also allowable because it depends from claim 19, which is patently distinguishable from the prior art. Claims 23-24 are allowable because they depend from allowable claims 19 and 22.

F. CLAIM 25 IS NON-OBVIOUS

Claim 25 recites in relevant part that:

"transmitting a claim signal to other receive interfaces on one of a plurality of claim lines reserved for the packet bus on which the packet was received."

The prior art does not disclose or suggest the steps of transmitting packet data in parallel and asserting a claim signal on one of a plurality of claim lines associated with the particular packet buses. Claim 25 is therefore allowable.

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G. CLAIM 26 IS NON-OBVIOUS

Claim 26 recites in relevant part that:

“transmitting a stall signal to a transmit interface on a first stall line of a plurality of stall lines reserved for the packet bus on which the packet was received.”

Shimizu discloses a single receiver-not-ready signal shared by a plurality of access units and fails to disclose or suggest a plurality of stall lines, each of which is reserved for one of the plurality of data buses. Claim 26 is therefore allowable.

H. CONCLUSION

For all the forgoing reasons, Applicant submits that the present invention is patently distinguishable from the prior art and respectfully requests that a timely Notice of Allowance be issued in this case.

Should there be any fees for this action, your office is authorized to draw from the firm deposit account number 02-3979. Should you have any questions, or identify any problem, I would appreciate a telephone call so that this matter may be resolved promptly.

Respectfully submitted,

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